



Irregular Migration – Ministerial Briefing

Operational Update

- Since late 2016 Canada has experienced an increase of in-Canada asylum claimants including significant increases in those arriving between the ports of entry. This movement is primarily focused near the Lacolle, Quebec port of entry (the primary entry point is Roxham Road).

Refugee Claims

- In 2017 there were 50,445 in-Canada refugee claims received by both the Canada Border Services Agency (CBSA) and Immigration, Refugees and Citizenship Canada (IRCC) nationally. The volume of refugee claims received in 2017 was unprecedented and was 111% higher than the 23,930 refugee claims received in 2016.
- In 2017, the CBSA processed a total of 22,295 asylum claimants in Canada at airports, land borders and inland offices, where the CBSA determines the admissibility of the individual and the eligibility of the claim under the Immigration and Refugee Protection Act.
- In 2018, Canada has received 35,695 refugee claims in all modes, including irregular asylum claims, as of August 31, 2018. This is a 10% increase in the number of refugee claims received at this point in 2017. In 2018 (as of August 28), the CBSA received 19,953 refugee claims at our ports of entry and inland offices including 4,155 at international airports where refugee claims have increased by 102% over 2017.

Between the Ports – Irregular Arrivals

- In 2017, there were 20,593 irregular arrivals of asylum claimants who were intercepted by the Royal Canadian Mounted Police (RCMP), with 18,836 interceptions, or 91% of the national total, occurring in the Province of Quebec near Lacolle, Quebec.
- The total number of between the port arrivals this calendar year is 14,282 as of August 31, 2018. This represents an average of 59 asylum seekers per day. For the same period in 2017, the total number of arrivals nationally was 13,320 and represents a 7% increase over last year.

Quebec

- Specifically for Quebec, the total number of between the ports arrivals in 2018 as of August 31, 2018 is 13,479 asylum claimants compared to the 11,906 that arrived in the same period in 2017 representing a 13% increase over last year. An average of 55 asylum seekers per day were intercepted entering between the ports at Quebec this year.



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British Columbia

- There have been 329 between the ports arrivals in British Columbia in 2018 (as of August 31, 2018) compared to the 485 asylum seekers that arrived during the same period in 2017; this represents a 32% decrease year over year. An average of 1 asylum seeker per day was intercepted entering between the ports in British Columbia this year.
- Between January 1 and August 31, 2018 in British Columbia, Afghanistan was the top country of citizenship (92 or 32% of the total), followed by Iraq (35 or 12%), Pakistan (27 or 9%), Venezuela (22 or 8%), and Turkey (17 or 6%).

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Manitoba

- There have been 309 between the ports arrivals in Manitoba in 2018 (as of August 31, 2018) compared to the 813 asylum seekers that arrived during the same period in 2017; this represents a 62% decrease year-over-year. An average of 1 asylum seeker per day was intercepted entering between the ports in Manitoba this year.
- Between January 1 and August 31, 2018 in Manitoba, Somalia was the top country of citizenship (137 or 46% of the total), followed by the Eritrea (86 or 29%), Ghana (19 or 6%), Ethiopia (15 or 5%) and the Republic of Guinea (12 or 4%).

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Impact of Deterrence Measures

- The CBSA has been moving forward on the removal of failed asylum seekers once all appeals and other reviews afforded under our legislation have been completed. There has been increased attention and public commentary on the Agency's removal efforts which can have a deterrent effect on foreign nationals considering irregular migration to Canada.

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- There has been an increase in the range of nationalities who have entered Canada between the ports near Lacolle, Quebec. Changing country conditions in various foreign countries such as in Africa (Congo, Angola) or South America (Venezuela and Colombia) can become a significant push factor for increases in future irregular migration to Canada.
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However, the number of asylum seekers entering Canada is unpredictable as it is affected by numerous factors such as global migration patterns, political instability and conflict.

Capacity and Contingency Planning

Current Capacity (Asylum Seekers)

- As of July 31, 2018 the CBSA at Lacolle currently has an on-site capacity of 100 asylum seekers. The current accommodations configuration is 20 beds in the winterized trailer plus 80 cots in the Camp 1 solution with all humanitarian services complete (reception tent, dining tents, portable toilets and showers).
- The 10 trailers acquired by the CBSA for use at Lacolle for processing of asylum seekers destined to Ontario are now operational.

Capacity Projection

- The CBSA, IRCC, and GOC have forecasted arrival rate of 120 asylum seekers per day for August decreasing to 75 per day in September to December at Quebec for purposes of contingency planning.
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Outline

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- CBSA role
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- CBSA Enforcement and Intelligence Priorities
- Recent Trends and Cases



CBSA Mandate

- “The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants that meet all requirements under the program legislation” (Section 5(1) of the CBSA Act)
- The CBSA has no legislative authority to investigate organized crime, but is focused on predicate offences within our border legislation (primarily Immigration and Refugee Protection Act (IRPA), Customs Act (CA), Customs Tariff)
- CBSA information sharing authorities permit sharing with law enforcement authorities where there is a suspected serious offence (Customs Act section 107) or consistent use (Privacy Act for IRPA)
- CBSA-RCMP MOU and its annexes (last update 2017) provide clear guidance on information sharing, investigations and referrals such as the following from the Investigations and Referrals Annex:
 - Annex A-1 confirms that CBSA has primary responsibility for the investigation of *Customs Act* offences. The CBSA will refer to the RCMP any *Customs Act* investigations which contain suspected links to criminal organizations or national security.
 - Annex A-3 confirms that the CBSA has primary responsibility for enforcement of border legislation at Ports of Entry, the RCMP is has primary responsibility between the Ports of Entry



CBSA Role

Border Services Officers

- Conduct examinations at Ports of Entry to determine admissibility of people and goods. Can compel information and conduct searches without warrant in the POE context based on reasonable suspicion of a contravention of border legislation.
- Program outcomes - interdictions, regulatory enforcement (seizure, seizure for forfeit, apply terms for release), refer case information to CBSA Intelligence, refer case internally to CBSA Criminal Investigations, or refer case to external law enforcement agency who has authority to investigate under the Criminal Code.

Targeting Program

- Scenario Based Targeting – Air Travellers- based on known or suspected patterns and trends matched against advance data (API/PNR) then matches are manually risk assessed. Where risk cannot be negated, a target is sent to the POE resulting in mandatory referral to secondary examination. Expanding to cover all modes.
- Commercial targeting leverages advance commercial information and is based on known trends and patterns to identify shipments requiring further examination.
- Program outcomes - mandatory referrals to secondary for examination, intelligence development



CBSA role (continued)

Security Screening

- CBSA screens Temporary Resident and Permanent Resident applications referred by Immigration Refugees and Citizenship Canada (IRCC) to prevent entry of foreign nationals who are inadmissible under IRPA. The program uses both open source and classified information as well as threat information provided by CSIS.
- Program outcome - recommendations to IRCC regarding inadmissibility

Intelligence

- Develops information on trends, indicators and specific actors suspected of contravening border legislation (Customs Act and IRPA) for CBSA and partner agency programs. Conducts direct collection of information using variety of techniques including surveillance and human sources, as well as information from partners, JFOs, embeds i.e. CISC. Lookouts issued result in mandatory referral to secondary examination to support border examinations.
- Program outcomes -border interdictions and regulatory enforcement, referral internally or to law enforcement agency who has the authority to investigate under the Criminal Code (i.e. TiP, Human Smuggling, CDSA, Organized Criminality)



CBSA role (continued)

Criminal Investigations

- Pursues investigations under the CA or IRPA, where required refers cases to law enforcement agency who has the authority to investigate under the Criminal Code (i.e. TiP, large scale human smuggling, CDSA, Organized Crime)
- Program outcomes - referrals to Public Prosecution Service of Canada (PPSC) for prosecution, referrals to law enforcement agency for joint investigation or separate Criminal Code investigation.

Inland Enforcement (IRPA)

- Focus on identifying, locating and removing from Canada foreign nationals who are inadmissible, out of status or no status. Priority placed on high risk cases (safety and security of Canadians) including serious criminality.
- Program outcomes - detentions, inadmissibility findings (IRB), removals



CBSA Enforcement and Intelligence Priorities 2017-2020

Tier 1

- Drug Smuggling (Schedule I CDSA)
- Immigration Fraud (Representatives/Consultants/Organizers)
- Trade Fraud (Supply Managed Goods)
- Identifying / Removing Persons for serious inadmissibility under IRPA (s.34, s.35, s.36(1), s. 37)

Tier 2

- Counter-proliferation
- Firearms smuggling (complex cases or cases with aggravating factors – suspect OC or terrorism)
- Human Smuggling/Trafficking in Persons
- Identifying / Removing Persons inadmissible under IRPA (failed refugee claimants)

Tier 3

- Contraband Tobacco (complex cases or cases with aggravating factors – suspect OC or terrorism)
- Immigration Fraud (individuals)
- Identifying / Removing Persons inadmissible under IRPA (health, finance, misrepresentation etc.)
- Currency smuggling (level 4 “proceeds of crime” only)
- Drug Smuggling (Schedule II CDSA)
- Materials listed under Customs Tariff 9899.00.00 (with aggravating factors only – suspect OC or terrorism) (obscenity/hate materials)



Recent Trends and Cases - Drugs

Trends: Drug Smuggling via Internal Conspiracy, Postal/Courier, Small Vessels

April 2017 – GTA – Three men are accused of conspiring with two CBSA officers in an international cocaine-smuggling operation through Pearson International Airport.

- The investigation was an 18-month joint operation of the RCMP and the CBSA at Pearson.
- It is alleged that the CBSA officers helped import as much as 30 kilograms of cocaine from Jamaica and Colombia from January 2016 to April 2017.

September 2017 – Nova Scotia – Two men arrested after sailboat arrives in Halifax area carrying cocaine.

- The investigation spanned over a year. CBSA initially identified a suspicious vessel in the Halifax area, consulted partners and identified that the owner had previous convictions for smuggling narcotics in the US.
- CBSA notified the RCMP and U.S. partners when the vessel departed into US waters.
- In August, 2017, U.S. partners advised CBSA that the vessel was on its way back to Canadian waters.
- CBSA determined that the vessel was heading to a non-POE site. The vessel was boarded and searched in cooperation with the RCMP. 250 kg of cocaine were seized.



Recent Trends and Cases - Firearms

Trends: Firearms and parts via postal/courier, commercial shipments and concealed in vehicles

March 2018 – Pacific Region – Seizure of 19 hand guns and 32 overcapacity magazines

BSOs in secondary examination identified undeclared guns and parts hidden within interior vehicle panels

CBSA conducted a criminal investigation and referred to PPSC for prosecution, PPSC added Criminal Code charges. Vancouver PD is pursuing its own investigation.

The accused a 39 year old Canadian Citizen, resident of Nevada, declared he was travelling with his three children to visit their mother.



Recent Trends and Cases – Trafficking in persons

Trends: Exploitation of temporary foreign workers

April 2018, the CBSA Criminal Investigations Section in the Greater Toronto Area Region laid charges against three Ontario residents relating to the exploitation of migrant workers, as a result of a year-long investigation.

Mushroom farm owners working with recruitment agencies recruited foreign nationals from the Philippines, Cambodia and other countries to work as mushroom pickers.

Workers were not properly documented to work at the farms. The employer promised, but did not obtain authorizations, charged excessive rent and deductions to wages, provided wages and working conditions not consistent with Canadian standards.

IRPA charges included:

- misrepresentation, as per paragraph 127(a);
- counselling offence, under section 131;
- employment of unauthorized persons, under paragraph 124(1)(c);
- trafficking in persons, as per subsection 118(1).



Summary

- CBSA, via its border legislation, plays a key role in countering organized crime including:
 - Identifying inadmissibility to prevent entry to Canada or arrest and removal from Canada
 - Intelligence development to support the interdiction and seizure of drugs, guns, proceeds of crime and other commodities that are contrary to border legislation
 - Investigation and prosecution of predicate offences
 - Information sharing and collaboration with domestic and international partners
 - CBSA is currently examining opportunities to increase focus on Trade Fraud and links to Trade Based Money Laundering to support GoC AML/ATF efforts